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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADRIAN MENDOZA, an individual)	Case No.:
)	
Plaintiff,)	
)	
vs.)	
)	<u>PETITION FOR REMOVAL</u>
MID-CENTURY INSURANCE COMPANY;)	
FARMERS INSURANCE EXCHANGE;)	
DOES I through X; and ROE)	
CORPORATIONS XI through XX, inclusive,)	
)	
Defendants.)	
_____)	

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEVADA:

PLEASE TAKE NOTICE that Defendants/Petitioners, Mid-Century Insurance Company and Farmers Insurance Exchange (hereinafter “Defendants”), and through their attorneys, The Feldman Firm, hereby removes the State action described herein to Federal Court. The grounds for removal are as follows:

1. On October 24, 2017, an action was commenced in the Eighth Judicial District Court, Clark County, Nevada, entitled “*Adrian Mendoza v. Mid-Century Insurance Company; Farmers Insurance Exchange; Does I through X; Roe Corporations XI Through XX, inclusive*”, Case No. A-17-763574-C.

2. A copy of all process, pleadings and orders served upon Defendants Mid-Century Insurance Company and Farmers Insurance Exchange in the State Court action are attached hereto as **Exhibit 1**.

1 3. This Petition is filed timely pursuant to 28 U.S.C. §1446(b).

2 4. This action is a civil action of which this Court has diversity jurisdiction under the
3 provisions of 28 U.S.C. §1332 and 28 U.S.C. §2201, and is one which may be removed to this
4 Court by Petitioner pursuant to the provisions of 28 U.S.C. §1441(b).

5 5. Defendant Farmers Insurance Exchange is not the insuring entity in this matter, and
6 Defendant further submits that Mid-Century Insurance Company is the proper entity and will be
7 substituted as the proper party Defendant.

8 6. There is a diversity of citizenship among Plaintiff Adrian Mendoza, and the insuring
9 entity, Defendant Mid-Century Insurance Company. Defendants are informed and believe that
10 Plaintiff, Adrian Mendoza was and still is a citizen of the State of Nevada. Mid-Century Insurance
11 Company was at the time of the filing of this action, and still is a corporation incorporated in the
12 State of California. Defendant Farmers Insurance Exchange was at the time of the filing of this
13 action, and still is a corporation incorporated in the State of California.

14 7. The matter in controversy exceeds \$75,000.00. In addition to Plaintiff seeking
15 compensatory and special damages in an amount in excess of \$100,000.00 under the
16 uninsured/underinsured portion of the policy of insurance with Mid-Century Insurance Company
17 (See Demand Letter from Plaintiff's counsel, dated August 31, 2016, to Farmers Insurance
18 Exchange seeking policy limits, attached here as **Exhibit 2**; See policy of insurance, attached here
19 as **Exhibit 3** (which has \$100,000.00 in underinsured motorist limits for each occurrence (*Id.*))),
20 Plaintiff seeks damages for Breach of Contract for underinsured motorist benefits \$100,000.00
21 limits plus attorneys' fees (See First Amended Complaint at p. 4, ¶¶ 18, 21, and 25, attached here
22 as **Exhibit 4**); Contractual Breach of Covenant and Good Faith and Fair Dealing damages in an
23 amount in excess of \$15,000.00 plus attorneys' fees (See First Amended Complaint at p. 5, ¶¶ 34-
24 35, attached here as **Exhibit 4**); Violation of the Unfair Claims Practices Act damages in an
25 amount in excess of \$15,000.00 plus attorneys' fees (See First Amended Complaint at p. 6, ¶¶ 38-
26 39, attached here as **Exhibit 4**); Given those claims against this national insurance company, it
27 is clear that Plaintiff is seeking damages in excess of \$75,000.00.

28 8. Defendant was served through the Nevada Division of Insurance on November 21,

2017. (*See* **Exhibit 1**).

9. Pursuant to 28 U.S.C. §1446, a copy of this Petition for Removal is being filed with the Clerk of the Eighth Judicial District Court, Clark County, Nevada, and is further served on all parties hereto.

10. Defendants Mid-Century Insurance Company and Farmers Insurance Exchange will also timely file a Notice of Removed Action in the Eighth Judicial District Court, Clark County, Nevada, a true and correct copy of which is attached as **Exhibit 5**, 28 U.S.C. § 1446(d).

JURY DEMAND

Defendants Mid-Century Insurance Company and Farmers Insurance Exchange demands a trial by jury on all issues appropriate for jury determination.

WHEREFORE, Defendants Mid-Century Insurance Company and Farmers Insurance Exchange hereby removes the State action now pending against it in the Eighth Judicial District Court, Clark County, Nevada, Case No. A-17-763574-C, to this Court.

DATED this 21st day of December, 2017.

THE FELDMAN FIRM

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 21st of December, 2017, I mailed a true and correct copy of the foregoing **PETITION FOR REMOVAL** in a sealed envelope with First Class postage fully prepaid, addressed to the following:

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